IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

PIL WRIT PETITION NO. 67 OF 2006

1. Sadichchha & Anr.] .. Petitioners

Versus

1. Union of India & 7 ors.] .. Respondents

Mr. Milind Vasudeo with Mr. M.G. Gawde for the petitioners.

Mr. A.N. Samant for the respondents No.1-3, 5.

Mr. V.P. Sawant for the respondent No.6.

Mr. G.J. Ahluwalia with Mr. S.S. Punde for the respondent No.8.

CORAM: R.M. LODHA &
S.A. BOBDE, JJ.

DATED: 13TH SEPTEMBER, 2006

P.C. :

. We heard Mr. Milind Vasudeo, the counsel for the petitioners, Mr. A.N. Samant, the counsel for respondents No.1 to 3 and 5 and Mr. G.J. Ahluwalia, the counsel for respondent No.8.

2. The principal grievance raised by the petitioners by means of this Public Interest Litigation is with regard to allotment of a new catering stall at Kalyan Railway Station. In this connection, the

petitioners rely upon the catering policy issued by the Ministry of Railways (Railway Board) from time to time, particularly the catering policy of the year 2000 and the revised catering policy of the year 2005.

3. The catering policy of 2000 has been referred to by the petitioners in paragraph 20 of the Writ Petition. It provides that any additional stall is banned at some class 'A' stations notified by the Board from time to time, except in new platforms/concourse.

4. We find from the reply Affidavit filed by the Railways that on 15th June, 2005 the Railway Board considered the matter concerning provision for static catering service at important stations conventionally as an amenity for travelling public and it was proposed to provide one new stall for catering service at important railway stations. Kalyan Railway Station is one of those locations where provision for one new stall for catering service is proposed. For the sake of convenience, we may refer to the document as it is:

GOVERNMENT OF INDIA / BHARAT SARKAR
MINISTRY OF RAILWAYS / RAIL MANTRALAYA

No.2005/TG-111/600/16 June 15, 2005
New Delhi

General Manager,

All India Railways

. Railways have been providing static catering services at important stations conventionally as an amenity for travelling public.

2. It is proposed to provide one new stall for catering services at important railway stations. Allotment will be through 2 packet open tender system and will be undertaken by IRCTC. The basic purpose is to provide additional passenger facilities to the customers and also set up a benchmark. The approximate size of the stalls will be 80 sq.ft. to 100 sq. ft. These stalls will be located at important platforms and will be governed by existing railway rates/MRP prices.

3. The following locations have been identified in this connection

1.	Ahmedabad	Western Railway
2.	.....	.....
3.	.....	.....
4.	.....	.....
5.	.....	.....
6.	.....	.....
7.	.....	.....
8.	Kalyan	Central Railway
9.	.....	....."

5. As to whether the provision needs to be made for new stall of catering service for particular locations (Railway Stations), the matter is within the policy domain of the Ministry of Railways (Railway Board). The catering policy, whether it be of 2000 or revised catering policy of 2005 has been framed by Ministry of Railways (Railway Board). The decision that has been taken by the Ministry of Railways (Railway

Board) on 15th June, 2005 for providing one new stall for catering service at important Railway Stations including Kalyan cannot be said to be inconsistent or in contravention of the existing catering policy.

6. We do not find any illegality in the action of the Ministry of Railways (Railway Board) deciding to provide one new stall for catering service at Kalyan.

7. As regards revised catering policy of 2005, suffice it to say that the said policy has no application as much before that, the exercise for provision for one new stall for catering service at Kalyan Station had begun.

8. We, accordingly, dismiss the Writ Petition (PIL). The interim order dated 14th June, 2006, and continued from time to time stands discharged.

Sd/-
[R.M. LODHA, J.]

Sd/-
[S.A. BOBDE, J.]